

From: Lois Laczko March 7, 2011 12:16:09 PM
Subject: Conservation Commission Minutes 02/15/2011 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY
MINUTES – REGULAR MEETING
February 15, 2011

I. CALL TO ORDER

Chairman Miller called the Conservation Commission/Inland Wetlands & Watercourses Agency meeting to order at 7:30 p.m. in the Program Room at the Simsbury Library. Commission members present were: Margaret Sexton, Ryan Mihalic, Margery Winters, Patrick Kottas, Darren Cunningham, and Donald Rieger, Jr. Also present was Howard Beach, Environmental Compliance Officer.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Rieger to serve in the absence of Commissioner Bucknam and Commissioner Kottas to serve in the absence of Commissioner Zackeo.

III. APPROVAL OF MINUTES – January 4, 2011

Commissioner Winters made a motion to approve the January 4, 2011 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Thomas R. Evans, Applicant, for an Inland Wetlands Permit for activities associated with repairing the damaged stream bank within the 100-foot regulated area to a wetland on property located at 268 Hopmeadow Street. (Map F16, Block 153, Lot 011E) (tabled at meeting of December 7, 2010)

Commissioner Rieger recused himself from this discussion.

Mr. Evans stated that the embankment has started to erode. This erosion has taken approximately 30' of the embankment as well as under the parking lot. The DEP and the Army Corps of Engineers have been called regarding this issue. Mr. Evans stated that there are also approximately 14 trees that have fallen in this same area into the brook. The water is hitting these fallen trees and causing more erosion. He stated that he needs approval from this Commission prior to going to the Army Corps of Engineers.

Mr. Beach stated that the applicant is here tonight to get a permit for this basic cleanup and stabilization of the bank. The State DEP went to the site and believes that the trees need to be taken out; they are not rooted. A crane will be set up in the parking lot to pull the trees out of the brook; this is the least invasive way to clean the stream. The DEP and Army Corps are involved in the stabilization design of the bank, although the applicant needs this Commission's approval prior to moving forward.

Commissioner Winters questioned how long the Army Corp's review will take. Mr. Beach stated that the applicant should not apply until May 31st in order to expedite the process.

Regarding property line issues, Mr. Evans stated that he does have a letter from the neighbor stating that they do not have a problem with him doing these activities.

Mr. Beach stated that the Commission is voting on the removal of the trees and the stabilization of this small section of the bank. After the DEP and Army Corp make changes to the design, it will then come back to this Commission for final review of those modifications.

Commissioner Sexton questioned if a timeframe should be stated in the approval and if the applicant should come back to this Commission prior to stabilizing the bank. Mr. Beach stated that if the Army Corp and DEP change the plan, the applicant will need to come back. Mr. Evan stated that he has to do what the Army Corp and DEP wants done. Mr. Beach stated that any changes made to an approval needs to come back to the Commission in order to see if this Commission's approval needs to be modified.

Commissioner Mihalic made a motion that this is a regulated activity because it involves removal of material in a streambed as well as fixing a bank located in the streambed. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity because all of the activity that is being proposed are designed to repair the damage that was caused to the bank as a result from years of

flood and other detrimental impacts. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to approve the permit authorizing the applicant to remove the trees at their earliest convenience that would not cause harm to the bank and to go forward with the DEP and Army Corps of Engineers process and conditioned upon the fact that the applicant will return to this Commission upon receipt of the Army Corp approval prior to conducting any further remedial action. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Rieger returned to the Commission.

b. Application of Mary Glassman, First Selectman, Town of Simsbury – Owner, Tim Goodwin, Executive Director, Community Farm of Simsbury, Applicant, for an Inland Wetlands Permit for activities associated with the construction of a storm drain within the 100-foot regulated area to a wetland on property located at the Community Farm of Simsbury, 73 Wolcott Road. (Maps I2, I3, Block 439, Lot 2)

Mr. Goodwin stated that they received a grant from the US Department of Agriculture to take care of the erosion problem in front of the barn. He stated that water comes across the front of the barn; sediment runs from the driveway onto the lawn. Also, water from the gutters comes to the lawn area. He stated that the plan includes a storm drain off the driveway to collect the sediment. The water will be moved in an underground waterway to the west in order to avoid the fence. The water continues west between the barns. He stated that the water will connect with the underground waterway and discharge right before the wetlands. Mr. Goodwin stated that new gutters will also be installed.

Mr. Goodwin stated that they will place erosion controls on the property while work is being done to keep the sediment under control. They will also be seeding the area. The seeding mix has been submitted with the application. Mr. Goodwin stated that they will begin work as soon as the weather permits.

Commissioner Rieger questioned if there was any concern regarding animal waste being concentrated. Mr. Goodwin stated that the animals that they have on their property are for educational and demonstration purposes only. They do not have many animals on the farm and the few they have, they keep confined.

Mr. Beach stated that the outlet may be close to a storm drain. They will need to field locate that. It may need to be moved. Mr. Beach stated that there is a rip rap plunge pool at the end of the pipe. Also,

all work is in the upland review area.

Commissioner Winters made a motion that this is a regulated activity because there is minimal disturbance and construction is in the upland review area. Commissioner Mihalic seconded the motion, which was unanimously approved.

Commissioner Winters made a motion that this is not a significant activity because the disturbance is small and sediment controls will be used. Commissioner Mihalic seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to approve the permit for this application. Commissioner Mihalic seconded the motion, which was unanimously approved.

c. Application of the Simsbury Cemetery Association, Owner, for an Inland Wetlands Permit for activities associated with the installation of 100-feet of 12-inch pipe, and one manhole, within the 100-foot upland review area to a wetland on property located at the Simsbury Cemetery, Plank Hill Road. (Map G9, Block 203, Lot 44)

Ms. Hahn stated that at the last meeting, the applicant submitted plans for the disturbance at the site. At that meeting, the Commission was dissatisfied regarding the pipe that discharges from the catch basins on Plank Hill Road. She stated that they have revised the plans regarding the pipe discharge that will now come off the curb on Plank Hill Road and will connect with the catch basin further downstream. She stated that there will be a limited amount of disturbance. They are also proposing erosion control measures. Mr. Beach stated that Mr. Sawitzke has reviewed these plans and does agree with what is being proposed.

In response to a question from Commissioner Mihalic regarding timing, Ms. Hahn stated that they would like to begin work prior to the thaw.

Mr. Beach stated that the activities will be taking place on the shoulder of the road in the right-of-way. The shoulder of the road is graded the same as the road. Ms. Hahn stated that there should not be any disturbance to Plank Hill Road.

Ms. Hahn stated that the discharge that they are dealing with is not from the cemetery; it is from the road. She stated that there are two existing catch basins which discharge directly onto the cemetery property. Mr. Beach stated that the culvert has been in place for many years. Once the trees were cut, there is now erosion in this area.

Regarding vegetation, Ms. Hahn stated that everything will be lawn for future use for the cemetery.

Commissioner Mihalic made a motion that this is a regulated activity because it involves removal of material and construction within the upland review area. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity based on representation of the applicant and the nature of the location of the pipe in the upland review area in proximity to the wetland. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to grant the permit subject to conditions in the staff report and that the applicant make best efforts to have this work done as soon as possible prior to the spring thaw. Commissioner Cunningham seconded the motion, which was unanimously approved.

d. Application of the Simsbury Land Trust, Owners, David Melvin (Eagle Scout Candidate), Applicant, for an Inland Wetlands Permit for activities associated with a trail improvement project (construction of walkways) within the 100-foot regulated area to a wetland and upland review area on property known as the Owen Mortimer Property, 44 Pinnacle Mountain Road. (Maps H-11, I-11, Block 106, Lot Parcel B)

Commissioner Rieger recused himself from the Commission during this discussion.

Mr. Melvin, Eagle Scout candidate, stated that he was approach by the Simsbury Land Trust to build this walkway section. The trail that they would like him to work on starts at East Weatogue Street prior to Terry's Plain Road. He stated that the walkway will extend approximately one mile to the Mortimer Property.

Mr. Melvin stated that there is a point where the land gets flooded. The Simsbury Land Trust would like people to be able to walk in this area on raised walkways for approximately 300 feet. He showed the layout to the Commission members. He stated that there will be ten foot long sections with three foot long 6x6 sleepers that are in contact with the ground. The walkways are parallel with the streams so they do not interfere with the water. The wildlife can also easily traverse this.

Mr. Melvin stated that he needs this permit in order to begin construction. He would like to begin soon because he has a deadline of

early May.

Commissioner Mihalic questioned where the prior project that was done last year ended in comparison to where Mr. Melvin would begin his construction. Mr. Melvin showed the Commission members the location on the map. He stated that the other walkway ends where his will begin.

Commissioner Mihalic questioned if the neighbors have agreed to let him go through their property in order to get the materials to the site. Mr. Melvin stated that he will be going through their property and then will be carrying the material the rest of the way to the site.

Mr. Melvin stated that the walkway will be constructed out of pressure treated wood; the wood is more environmentally friendly than what it used to be.

Commissioner Cunningham made a motion that this is a regulated activity because it is within the upland review area. Commissioner Mihalic seconded the motion, which was unanimously approved.

Commissioner Cunningham made a motion that this is not a significant activity because of the materials being used and the care being taken by the applicant as well as the fact that a similar application has been approved adjacent to this application. Commissioner Mihalic seconded the motion, which was unanimously approved.

Commissioner Cunningham made a motion to approve the permit as thoroughly presented by the Eagle Scout candidate. Commissioner Mihalic seconded the motion, which was unanimously approved.

Commissioner Rieger returned to the Commission.

V. APPROVAL OF SOIL AND EROSION CONTROL PLAN FOR RESTORATION OF SITE LOCATED AT 16 SAND HILL ROAD.

Mr. Girard stated that this is an I-3 with a non-conforming I-2 use of record. He stated that a survey has been done on the property and a planting plan has been proposed. He stated that this property was a gravel pit in the past.

Mr. Girard stated that the horseshoe areas around the back of the property are the low point. He is proposing to reshape the slopes. No material will be leaving the site, although material may need to be brought in over time. He stated that his plan also proposes installing 68 four-foot trees along the back of the area and 164 one-foot Fir and Pine trees in front of that. This would help create a buffer to the neighbors. He

stated that a clover mix will be put on the slope for ground coverage with six inches of top soil on the slope and lawn seed below that.

Mr. Girard stated that on the other parcel of land in the front, there is an infiltration area that will take care of the water that comes off the slope. There will be a silt fence for erosion control measures as well.

Mr. Girard stated that on the front site, he is proposing rip rap at the wash out, a combination sediment basin and infiltration basin ahead of the rip rap. He stated that the rip rap area is approximately 35' x 10'.

Mr. Girard stated that he would like to get this project done during this planting season. He stated that the project will take approximately thirty days. He will be working on the weekdays only.

In response to a question by Chairman Miller, Mr. Girard stated that the estimated fill that he would be bringing in will be approximately 5,000 yards over a period of time in the future. This would not be included in the thirty day project.

Mr. Beach stated that there are no wetlands on this site. This is before the Commission for their review under the Town Code, Chapter 128, which he distributed to the Commission members. He stated that the Commission needs to look at the adequacy of the Erosion Control Plan. He stated that Chapter 128 of the Town Code stipulates that any project involving excavation and the movement of a large amount of a material requires a Zoning or Planning signoff and has to present the Erosion Control Plan to this Commission to make sure it is being adequately handled. Mr. Beach stated that the State DEP has approved the discharge point. Mr. Beach stated that the DEP, Town Engineer and the Conservation Officer have reviewed these plans as well.

Chairman Miller stated that they will take comments and questions from the audience. He asked that people keep their questions and comments strictly to the purview of the Conservation Commission.

The resident at 34 Sand Hill Road questioned if there are trees proposed where the fence is. Mr. Girard stated that the area is wooded; there is no need to add trees in this area. He stated that he did not feel a need for trees there because there is existing vegetation.

The resident at 40 Sand Hill Road stated that this property is a disaster. He questioned whether or not the trees that are being proposed can be grown successfully because of the water problem. He questioned how

he can be assured that these trees will grow. Mr. Beach stated that this application will be going for a Site Plan approval before the Zoning Commission. When the Commission approves the stabilization plan, they can make the plantings a condition of approval that if something dies, it will need to be replanted.

The resident at 52-54 Sand Hill Road stated that she has lived here since 1999 and has had concerns since the time she has moved in. She stated that there is a 60 foot drop down to this property. She stated that there is a walking trail in this area; she is concerned about people getting hurt. She stated that she is also concerned with security. She would like to make sure that the fencing is in place. Mr. Beach stated that the fencing exists around the site. She stated that the fencing exists although it is not functioning.

The resident at 30 Sand Hill Road stated that there is a brook along the back of the property. He questioned why this is not represented on the plans. Mr. Beach stated that he believes it is outside of the upland review area. This resident stated that the Town and its Statutes call for a 1-3 slope for stabilization. He questioned why a proposal for a 1-2 slope is being portrayed as adequate. Also, there should be a setback buffer between this type of property and the residents. Commissioner Mihalic stated that the slope is a Zoning issue. Mr. Beach stated that if this property was purchased today, nothing could be mined within 100 feet of the property line and it would need to be restored to a 3-1 slope. He stated that the question is, at what point this new requirement can be forced on a property that has been grandfathered in.

Regarding the drainage system, a resident stated that he feels this system is too big. Mr. Girard stated that calculations are done by engineers with the standards that they use. The engineers have sized the infiltration basin to meet these calculations.

Regarding the landscaping, Commissioner Winters suggested that the applicant consider Sweet Fern. She stated that these plants do well on sandy soils. This may be a good solution.

A resident stated that there are a number of homes that are still on wells in this area. He questioned what impact this application would have on the aquifer and water supply. Commissioner Winters stated that plants are good at taking pollutants out of the soil. Chairman Miller stated that these activities would be an improvement to the site.

A resident at 15 Sand Hill Road stated that there has been controversy over the zoning on this property. He feels that it is disturbing to put an industrial drain on a residential property. Mr.

Girard stated that this is temporary in order to satisfy the DEP.

Regarding the trucks coming onto the site with material, Chairman Miller questioned if there will be a drag out area for trucks. Mr. Girard stated that the area is paved prior to where the trucks would exit. Mr. Beach stated that since material is being brought onto the site instead of being taken off of the site there is less of a concern.

Mr. Girard showed the Commission members where the stockpile area on the site would be located.

A resident stated that the history of work that has been done on this site has cracked foundations and tile floors in nearby homes. He stated that the machinery that will need to be brought in concerns him. There should be limitations for the type of machinery that can be brought in.

Chairman Miller questioned if there were any catch basins on the site. Mr. Girard showed the Commission members the drywells on the property.

A resident at 30 Sand Hill Road questioned why the tree line is not extended to 28 Sand Hill Road. Mr. Girard stated that there are existing trees in this area. This resident stated that these trees are very thin in this area and do not provide an adequate buffer.

Commissioner Rieger made a motion that the Conservation Commission finds that the proposed grading and slope restoration plan prepared by the engineering firm and landscape firm meets the requirements in the Regulations of the Sedimentation and Erosion Control Plan. The Conservation Commission also finds, based on the information presented and the input from the Town staff, that these plans are reasonable and proper as to address the risk of erosion and sedimentation. Commissioner Mihalic seconded the motion, which was unanimously approved.

VI. RECEIPT OF NEW APPLICATION(S)

Mr. Beach stated that there is a receipt of a new application for the construction of a pool and grading within the upland review area. He stated that this application will be heard at the next regularly scheduled meeting.

VII. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of the Town of Simsbury, Owner, Richard L. Sawitzke, P.E., Town

Engineer/Director of Capital Projects, Applicant, to selectively clear trees on the Simsbury Airport S. runway approach within the 100-foot upland review area to a wetland on property located 66 Wolcott Road (Simsbury Landfill). (Maps I3, I4, J3, J4, Block 439, Lot 8).

Mr. Beach stated that this application was an administrative approval. He stated that some of the trees at the west end of the airport are interfering with approaching flights. The trees to be removed are in the upland review area. He will be supervising this work.

VIII. DISCUSSION

Route 10 Corridor Study

Mr. Beach stated that the Route 10 study has been completed. The consultant will come back with a final report in the future.

Commissioner Rieger stated that he attended some of the Route 10 Corridor Study meetings. Looking at the 20-year plan, the following were discussed throughout the process: a bridge over the Farmington River near Latimer Lane; connecting the end of Iron Horse through the Dyno Nobel property; and a one-way road along Route 185 following the edge of the River coming into Weatogue. He stated that these options will all be presented to the Zoning Commission.

Mr. Beach stated that the State DOT will not add additional lanes onto Hopmeadow Street. They feel that a lot of the traffic congestion is because of the timing of the lights.

Mr. Beach stated that the Town needs to approval the proposal. Implementation will depend on funding.

IX. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

X. ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the meeting at 9:50 p.m. Commissioner Mihalic seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary